

**2010 MINNESOTA DEPARTMENT OF COMMERCE LEGISLATION
SUMMARY -- CHAPTER 384 SF 2839**

SECTION	STATUTE	SUBJECT	EFFECTIVE
1	45.0112	Street and E-mail Addresses Required. Requires individuals licensed by the Department of Commerce ("department") to provide an e-mail address for business use. Removes unnecessary language.	8-1-2010
2	45.027, Subd. 1 (8)	General powers. Clarifies which entities are subject to assessment for expenses incurred when the department conducts an investigation.	8-1-2010
3	45.30, Subd. 4	Credit earned Modifies continuing education requirements for individuals licensed by the department. A licensee cannot receive credit for more than 8 hours of continuing education in one day	8-1-2010
4	60A.031, Subd. 4 (f)	Examination report; foreign and domestic companies. Makes changes to a section of law that regulates the department's examination powers with respect to insurance companies. Provides that the Commissioner and any other person must treat any documents reviewed over the course of a market analysis with confidentiality. Provides that the documents are private and not subject to subpoena. Defines "market analysis" for purposes of the section. Changes a reference to reflect the new name of the National Association of Securities Dealers.	8-1-2010
5	60A.084	Notification on Group Policies. Changes a notice requirement for employers that provide life or health benefits, by specifying that the notice must be in a format that meets the requirements of the U.S. Department of Labor rather than ERISA.	8-1-2010
6	60A.204	Fees and Commissions. Eliminates the \$25 cap on the fee that a surplus lines licensee may charge. Provides that the fee must not be excessive or discriminatory.	8-1-2010
7	60A.36, Subd. 2a.	Third-party notices. Specifies when an insurer must provide notice to a third party with respect to cancellation of a commercial liability or property insurance policy against crop damage by hail. Affecting midterm cancellations of commercial liability or property insurance during the term of the policy. Requires third-party cancellation notice notices. if: (1) the policyholder has notified the insurer of the identity of the third party; and (2) the third party is a licensing authority authorized by statute to receive the notice or a state, city, or county governmental unit on whose behalf the insured is providing services.	1-1-2011

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8	60A.39, Subd. 1	Issuance. Makes changes to more specifically define a certificate of insurance. This change adds a clarification to verify that a "certificate of insurance" does not convey any contractual rights to the certificate holder.	8-1-2010
9	60A.39, Subd. 4	Cancellation notice. Provides that a certificate of insurance given to a third party must not include a notice of cancellation that exceeds the period of notice specified in the policy.	8-1-2010
10	60A.39, Subd. 5	Filing. Provides more specificity regarding the type of certificate of insurance forms the department will accept.	1-1-2011
11	60A.9572, Subd. 6	Disclosures. Makes a technical change for clarity.	8-1-2010
12	60K.31, Subd. 10	Limited lines insurance. Corrects a statutory reference.	8-1-2010
13	60K.361	Insurance Education Applies to required topics included in 20 hour insurance pre-license courses. Under the existing language, the curriculum prescribed the order of subject matter for first 10 hours of instruction and the next 10 hours of the course. This change will allow educators the flexibility to best organize the subject matter.	7-1-2010
14	61A.092, Subd. 3	Notice of options. Adds a 14 day notice requirement to alert employee of right to continue life coverage upon termination of employment.	8-1-2010
15	62A.046, Subd. 6	Coordination of benefits. Makes changes to a section of law that allows for coordination of benefits with respect to accident and health insurance.	8-1-2010
16	62A.046, New Subd. 7	High-deductible health plans. Makes changes to a section of law that allows for coordination of benefits with respect to accident and health insurance. This change provides clarification for persons with high deductible plans and health savings accounts.	8-1-2010
17	62A.17, Subd. 5	Notice of options Extends the period of time that an employer has to send a required notice to a terminated or laid off employee regarding continuation of health insurance coverage from 10 to 14 days after termination or layoff.	8-1-2010
18	62A.3099 Subd 17	Technical change. The Medicare cost plans referenced in 62A.3099 are federally regulated plans and there are federal requirements for this type of Medicare cost plan. This is a correction to eliminate a conflict with the federal requirements for these plans.	5-26-2010

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19	62A.3099, Subd. 18	Medicare supplement policy or certificate. Modifies the provision, consistent with NAIC language, by adding additional language to the definition of "Medicare supplement policy or certificate".	5-26-2010
20	62A.65, Subd. 2	Guaranteed renewal. Removes an obsolete reference to Medicare.	8-1-2010
21	62E.02, Subd. 15	Medicare. Modifies the definition of "Medicare" to accurately reflect its federal reference.	8-1-2010
22	62E.14, Subd. 4c	Waiver of preexisting conditions for persons whose coverage is terminated or who exceed the maximum lifetime benefit. Makes technical changes to references of a federal statute and tax credit.	8-1-2010
23	62L.05, Subd. 4	Benefits. Modifies the list of benefits that a small employer health plan must offer because they conflict with the Minnesota mental health parity law.	8-1-2010
24	62L.0561	Flexible Benefits Plans. Adds a new section to provide for the issuance of flexible individual coverage and group coverage for employer plans with up to 100 employees. This type of flexible benefit "health plan" may modify or exclude any or all coverages of benefits that would otherwise be required by law, except for maternity benefits and other benefits required under federal law. This section is similar to M. S. § 62L.056 which applies to Small Employer Flexible Benefit plans. Please note that Section 104 of this act repeals M. S. § 62L.056, effective January 1, 2012, when this section goes into effect .	1-1-2012
25	62S.24, Subd. 8	Exchange for long-term care partnership policy; Addition of policy rider. Updates statute to reflect federal law and for consistency.	8-1-2010
26	62S.266, Subd. 4	Contingent benefit upon lapse. Corrects a statutory reference.	8-1-2010
27	62S.29, Subd. 1	Requirements. Specifies that the Senior LinkAge Line is the senior insurance counseling program approved by the department for purposes of a statute that regulates marketing of long-term care insurance.	8-1-2010
28	65A.29, Subd. 13	Notice of possible cancellation. Changes the amount of time an insurer has to cancel a homeowner's insurance policy from 60 to 59 days after issuance.	8-1-2010
29	72A.08 Subd 4 (b)	Exceptions to rebate prohibition re-defined. A promotional item of \$25 or less per year is not a rebate, if the receipt of the item or gift is not conditioned upon the purchase of an insurance policy or product.	5-26-2010

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SECTION	STATUTE	SUBJECT	EFFECTIVE
30	72A.12 Subd 4	Discrimination; Rebates Exception to Rebate prohibition re-defined. New language added to clarify that the offer of any prizes, goods, wares, merchandise, articles, or property of an aggregate value of \$25 or less by agents or insurance companies is not considered to be a rebate.	5-26-2010
31	72A.20, Subd. 10	Rebates. Modifies rebate law by clarifying that certain insurers may provide policyholders with prizes, goods, and other property of an aggregate value of \$25 or less.	5-26-2010
32	72A.20, Subd. 36	Limitations on the use of credit information. Corrects a statutory reference.	8-1-2010
33	72A.20, Subd. 37	Electronic transmission of required information. Provides that a health carrier may provide certain required information electronically to a health plan.	8-1-2010
34	72A.492, Subd. 2	Covered persons. Makes technical changes with respect to persons covered by the rights granted under the Minnesota Insurance Fair Reporting Act.	8-1-2010
35	72A.51, Subd 2	Return of policy or contract; notice. Technical change. The Medicare cost plans referenced in 62A.3099 are federally regulated plans and there are federal requirements for this type of Medicare cost plan. This requirement conflicts with the federal requirement and is deleted as a result.	5-26-2010
36	72B.01	Relating to Insurance Adjusters: This change eliminates duplication with Minn. Stat. §72B.03.	8-1-2010
37	72B.03, Subd. 2	Classes of licenses. Corrects statutory references.	8-1-2010
38	72B.045, Subd. 1	Requirement. Clarifies that independent and public adjusters are subject to continuing education requirements.	8-1-2010
39	72B.06	Catastrophe or Emergency Situations. Modifies a section of law that allows an individual who is not licensed in the state to perform work as an emergency independent adjuster when there is a catastrophe situation. Provides more specificity as to when a catastrophe situation exists. Provides requirements for designation as an emergency independent adjuster.	8-1-2010
40	72B.08, Subd. 8	Bond. Corrects a statutory reference.	8-1-2010

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41	79A.03, Subd. 8	Processing application. Modifies the gross annual premium requirement with respect to an application for workers' compensation self-insurance.	This section is effective August 1, 2010, and applies to applications processed on or after that date, but not to self-insured groups existing as of that date.
42	79A.06, Subd. 5	Private employers who have ceased to be self-insured. Provides that a private employer that ceases its workers' compensation self-insurance authority on or after August 1, 2010, is liable for an assessment as specified.	This section is effective August 1, 2010, and applies to terminations of self-insurance authority that become effective on or after that date.
43	79A.21, Subd. 3	Approval. Modifies the gross annual premium requirement with respect to an application for workers' compensation self-insurance.	This section is effective August 1, 2010, and applies to applications processed on or after that date, but not to self-insured groups existing as of that date.
44	80A.41	SECTION 102; Definitions. Modifies the definition of "purchaser" for purposes of the Minnesota Securities Act.	8-1-2010
45	80A.46	SECTION 102; Exempt Transactions. (19) Makes a change to a section of law that exempts various transactions from securities registration requirements, by specifying that a person making a rescission offer must provide notice of the transaction to the administrator.	8-1-2010
46	80A.65, Subd. 6	Rescission offer filing fee. Makes a statutory change to reflect the notice requirement in section 45.	8-1-2010
47	82.17, Subd 1a	Brokerage; Business entity. Defines "brokerage" or "business entity."	8-1-2010
48	82.17, Subd. 15	Protective list. Modifies the definition of "protective list."	8-1-2010
49	82.17, New Subd. 20a	Responsible person. A "responsible person" means a natural person that is an officer of a corporation, a partner of a partnership, a general partner of a limited liability partnership, or a manager of a limited liability company.	8-1-2010
50	82.19 Subdivisions 1 through 3b	Compensation. Adds a referral fee to list of types of compensation a licensee may not accept in specified situations.	8-1-2010

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51	82.21, Subd. 2	Listing agreements. Requires listing agreements to contain a clear statement that explains if the agreement may be canceled and the terms under which it may be canceled.	8-1-2010
52	82.24, Subd. 3	Broker payment consolidation. Clarifies that fees and assessments must be paid in the form of a single payment, rather than by check.	8-1-2010
53	82.29, Subd. 4	Broker's examination. Removes an obsolete reference.	8-1-2010
54	82.29, Subd. 5	Waivers. Modifies the criteria for waiver of the broker's examination real estate licensing experience requirement.	8-1-2010
55	82.29, Subd. 8	Instruction; New licenses. Removes language relating to real estate closing agent licensure because it is moved to another area of statute in this bill (see section 78).	8-1-2010
56	82.31, Subd. 1	Qualification of applicants. Removes a reference to real estate closing agent licensure because it is moved to another area of statute in this bill (see section 78).	8-1-2010
57	82.31, Subd. 2	Application for license; Contents. Removes language relating to real estate closing agent licensure because it is moved to another area of statute in this bill (see section 78). Makes clarifying changes.	8-1-2010
58	82.31, Subd. 4	Business entity; Brokerage licenses. Modifies language to reflect changes in terminology.	8-1-2010
59	82.32	Licensing; Continuing Education and Instruction. Corrects a statutory reference.	8-1-2010
60	82.33, Subd. 1	Duration. Makes grammatical changes. Removes obsolete language.	8-1-2010
61	82.33, New Subd. 1a	Broker's responsibility. Specifies broker responsibilities for renewal of a real estate salesperson license.	8-1-2010
62	82.33, Subd. 2	Timely renewals. Modifies requirements for timely license renewal.	8-1-2010
63	82.34, Subd. 1	Generally. Removes a reference to real estate closing agent licensure because it is moved to another area of statute in this bill (see section 78).	8-1-2010
64	82.34, Subd. 2	Additional broker's license. Clarifies requirements for an additional broker's license. Modifies language to reflect changes in terminology.	8-1-2010
65	82.34, Subd. 4	Issuance of license; salesperson. Removes language related to mailing a real estate salesperson license because licensing is now completed online.	8-1-2010
66	82.34, Subd. 5	Effective date of license. Removes language relating to the staggered issuance of licenses.	8-1-2010
67	82.34, Subd. 13	Limited broker's license. Revises language with respect to issuance of a limited real estate broker's license.	8-1-2010

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SECTION	STATUTE	SUBJECT	EFFECTIVE
68	82.39, Subdivisions 1 through- 5	Notice to Commissioner. Provides that a licensee must notify the Commissioner in writing or in a format prescribed by the Commissioner of any change of information contained in the license application on file. Requires a licensee to notify the Commissioner within ten days of facts relating to civil judgment, disciplinary action, or a criminal offense.	8-1-2010
69	82.41, Subd. 1	License required. Clarifies that a salesperson is a real estate salesperson.	8-1-2010
70	82.41, Subd. 2	Misrepresenting status as licensee. Removes a reference to a real estate closing agent since it is moved to another area of statute in this bill (see section 78). Clarifies that a salesperson is a real estate salesperson.	8-1-2010
71	82.41, New Subd. 3a	Limitation on broker when transaction not completed. Provides that when an owner fails to consummate a real estate transaction, through no fault of the purchaser, the listing broker may not claim any portion of any trust funds deposited with the broker by the purchaser, absent a separate agreement with the purchaser.	8-1-2010
72	82.45, Subd. 3	Retention. Extends the period of time that a licensed real estate broker must retain certain records from three to six years.	8-1-2010
73	82.45, New Subd. 4	Storage. Provides that certain records retained by licensed real estate brokers may be stored electronically.	8-1-2010
74	82.45, New Subd. 5	Destruction. Provides that once the required storage period expires, records retained by a licensed real estate broker must be disposed of according to the confidential record destruction procedures of the Fair and Accurate Credit Transaction Act.	8-1-2010
75	82.48, Subd. 2	Penalty for noncompliance. Removes a reference to a section that is being repealed in the bill.	8-1-2010
76	82.48, Subd. 3	Responsibilities of brokers. Changes a reference from a "partnership or corporate broker" to a "brokerage." Makes grammatical changes.	8-1-2010
77	New 82.52	Advertising Requirements. Requires a licensee to identify himself or herself as a broker or an agent salesperson in advertising related to real property. Specifies when a broker or salesperson may include brokerage group or team member names.	8-1-2010
78	New 82.53, Subdivisions 1 through 7	Real Estate Closing Agent Licensing. Requires individuals acting as closing agents to be licensed with the department. Provides licensure application, fee, and education requirements. Specifies when a person acting as a closing agent does not need a license.	8-1-2010

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SECTION	STATUTE	SUBJECT	EFFECTIVE
79	New 82.54	Other Disclosure Requirements. Specifies disclosures that a broker is required to make to a prospective purchaser and disclosures that a broker has no duty to make.	8-1-2010
80	82B.05, as amended by Laws 2009, chapter 63, section 62	Real Estate Appraiser Advisory Board. Changes background requirements for the Real Estate Appraiser Advisory Board and reduces the number of members. Requires the board to meet more frequently.	1-1-2011
81	82B.06	POWERS OF THE BOARD. The board shall make recommendations to the commissioner as the commissioner requests or at the board's own initiative:	1-1-2011
82	82B.14	EXPERIENCE REQUIREMENT Affecting the licensing requirements of licensed real property appraisers. Certain university courses may be approved retroactively if qualified.	8-1-2010
83	137.0225	UNIVERSITY PROMISE SCHOLARSHIP This change modifies the eligibility provision to require that, under this section, a student must be a Minnesota resident undergraduate from a family with an annual adjusted gross income not to exceed \$100,000.	5-26-2010
84	137.66	SCHOLARSHIP FUNDING PROGRAM As a condition of a license for an arena or stadium location under section 340A.404, subdivision 4a, paragraph (a), clause (3), the University of Minnesota shall deposit at least 75 percent of the net revenue generated through the existence of this license for scholarships under section 137.0225 for Minnesota resident men and women attending the University of Minnesota. (Refer to Section 95 of this bill)	5-26-2010
85	326.3382, Subd. 3	Proof of insurance. Changes a notice requirement with respect to modification or cancellation of an insurance policy held by a private detective.	8-1-2010
86	326B.33, Subd. 16	Insurance required. Changes a notice requirement with respect to cancellation of an insurance policy held by a licensed contractor.	8-1-2010
87	326B.46, Subd. 2	Bond; insurance. Changes a notice requirement with respect to cancellation of a liability insurance policy held by a licensed plumber.	8-1-2010
88	326B.46 Subd 6	Well contractor exempt from licensing and bond; conditions. A well contractor or a limited well/boring contractor who is licensed and bonded under section 103I.525 or 103I.531 may be exempt from licensing requirements under certain conditions. This subdivision expires one year after the date of enactment.	5-26-2010 Expires after one year.

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89	326B.56, Subd. 2	Insurance. Changes a notice requirement with respect to cancellation of an insurance policy held by licensed water conditioning contractor or installer.	8-1-2010
90	326B.86, Subd. 2	Insurance. Changes a notice requirement with respect to cancellation of an insurance policy held by a licensed manufactured home installer or licensed residential roofer.	8-1-2010
91	326B.921, Subd. 6	Insurance. Changes a notice requirement with respect to cancellation of an insurance policy held by a licensed high pressure pipefitter business.	8-1-2010
92	327B.04, Subd. 4	License prerequisites. Changes a notice requirement with respect to cancellation of an insurance policy held by a licensed manufactured home dealer.	8-1-2010
93	New 332.3351	Exemption From Licensure. Specifies conditions under which a collection agency is exempt from licensing and registration with the department.	1-1-2011
94	332.34	Bond. Increases bonding requirements for collection agencies licensed by the department.	This section is effective for bonds obtained or renewed after January 1, 2011.
95	340A.404, Subd 4a	Affecting the University of Minnesota and the TCF Bank Stadium. This section was amended as summarized below: No alcoholic beverage may be sold or served at TCF Bank Stadium unless the Board of Regents holds an on-sale intoxicating liquor license for the stadium and that the University requires the sale or service of intoxicating liquor in a public portion consisting of at least one-third of the general seating of a stadium or arena. It is solely within the discretion of the Board of Regents to choose the manner in which to carry out this condition.	5-26-2010
96	340A.409, Subd 1	Insurance Required Changes a notice requirement with respect to cancellation of an insurance policy held by a retail establishment licensed to sell liquor.	8-1-2010
97	471.61 Subd 2b	Insurance continuation Applies to a unit of local government concerning a former employee and continued participation in the employer-sponsored hospital, medical, and dental insurance group that the employee participated in immediately before retirement	Effective date. 8-1-2010, and applies to coverage in existence on or after that date.

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SECTION	STATUTE	SUBJECT	EFFECTIVE
(continued) 97	(continued) 471.61 Subd 2b	A former employee under the age of 65 who is enrolled in Medicare Parts A and B due to the former employee's disability and for whom Medicare's obligation to pay claims is primary, and the former employee's dependents, must be pooled in the same group for purposes of this paragraph as former employees who have reached age 65.	(continued) Effective date. 8-1-2010, and applies to coverage in existence on or after that date.
98	514.20	514.20 SALE Legislation affecting lien holders. Amended to allow the use of certified mail in place of registered mail. This section is effective the day following final enactment, and applies to notices mailed on or after that date, provided however that it is also permissible to send notices under this section by registered mail prior to August 1, 2010, and the costs of those notices are lawful charges under this section.	5-26-2010
99	Laws 2007, chapter 147, article 12, section 14	Agricultural Cooperative Health Plan for Farmers. This change amends previous legislation to recreate the pilot project requirements for an Agricultural Cooperative Health Plan for Farmers. This change applies to Agricultural Cooperatives organized under M. S. Chapter § 308A and adds a reference to Chapter § 308B. Technical changes provide that plans created under this section may use surplus lines carriers to meet requirements found in M. S. § Chapter 62H.	5-26-2010
100	New	ON-SALE LICENSE: THEATRE L'HOMME DIEU Douglas County may issue a wine and intoxicating malt liquor license to Theatre L'Homme Dieu.	This section is effective upon approval by the licensing authority in the manner specified by Minnesota Statutes, section 645.021, subdivisions 2 and 3.
101	New	2010 Appointments to Real Estate Appraiser Advisory Board. Provides that the terms of all members of the Real Estate Appraiser Advisory Board expire the day following final enactment of the bill. Specifies new term limits for members.	1-1-2011 .

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102	New	Coordination of Benefits Study. Directs the Commissioner, in consultation with the Commissioner of Health and health plan companies, to consider the appropriateness of adopting the National Association of Insurance Commissioners 2005 Coordination of Benefits Model Regulation. Directs the Commissioner to submit recommendations and draft legislation to the Legislature by January 15, 2011.	1-15-2011
103		Sauk Rapids: On Sale License The city of Sauk Rapids may issue an on-sale intoxicating liquor license, or an on-sale 3.2 percent malt liquor license, to the owner of an arena located on the Benton County Fairgrounds or to an entity holding a concession contract with the owner for use on the premises of that arena.	5-26-2010
104	Repealer:	<p>Statutes Repealed</p> <p>82.19, COMPENSATION. Subd. 3 Limitation on broker when transaction not completed;</p> <p>82.22, DISCLOSURE REQUIREMENTS, Subd. 1 Advertising, 6 Agent of broker disclosure, 7 Financial interests disclosure; licensee, 8 Material facts, 9 Nonperformance of any party;</p> <p>82.31, LICENSING: APPLICATION. Subd.6 Change of application information;</p> <p>82.34, LICENSING; OTHER REQUIREMENTS. Subd. 16 Exemption;</p> <p>82.41, PROHIBITIONS Subd. 3 Commission-splitting, rebates, and fees. 7 Closing agents;</p> <p>332.31, DEFINITIONS. Subd. 7 Exempt out-of-state collection agency;</p> <p>332.335; EXEMPTION FROM LICENSURE</p> <p>65B.133, SURCHARGE DISCLOSURE Subd. 3 Disclosure to policyholders;</p>	<p>Various</p> <p>8-1-2010</p> <p>8-1-2010</p> <p>8-1-2010</p> <p>8-1-2010</p> <p>8-1-2010</p> <p>8-1-2010</p> <p>8-1-2010</p>

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SECTION	STATUTE	SUBJECT	EFFECTIVE
(continued) 104		Statutes Repealed	
		72B.02, DEFINITIONS Subd. 11 Catastrophe;	8-1-2010
		72B.04 LICENSE PROCEDURE AND REQUIREMENTS; EXAMINATIONS; FEES. (7-1-2010)	7-1-2010
		62L.056 SMALL EMPLOYER FLEXIBLE BENEFITS PLANS (1-1-12)	1-1-2012